

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

**In re: ERICA L WALLACE**

**Case No.: 18-40593-drd-13**

**Debtor**

**MOTION TO DISMISS FAILURE TO COMPLY WITH SECTION 1329(d)**

COMES NOW Richard V. Fink, Chapter 13 Trustee, and moves to dismiss the above-captioned case for cause pursuant to 11 U.S.C. Section 1307(c) and in support thereof states:

1. This case was modified under the CARES Act to run up to 84 months. See 11 U.S.C. Section 1329(d).
2. Based on currently available information, the plan is now running 85 months.
3. Based on the trustee's analysis of currently available information, the reason(s) the plan runs long include:
  - The attorney fees being paid through the plan have increased.

WHEREFORE, the trustee moves the Court for an order of dismissal, without prejudice, of the above-captioned case for cause pursuant to 11 U.S.C. Section 1307(c).

April 20, 2023

Respectfully submitted,

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee  
2345 Grand Blvd., Ste. 1200  
Kansas City, MO 64108-2663  
(816) 842-1031

**NOTICE OF MOTION**

**Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court.**

Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), this proceeding will be dismissed by separate Order of the Court.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

**NOTICE OF SERVICE**

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

DEBTOR(S)

WAGONER BANKRUPTCY GROUP (206) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

JVM /Motion - Dismiss - Failure to Comply with Section 1329(d)